

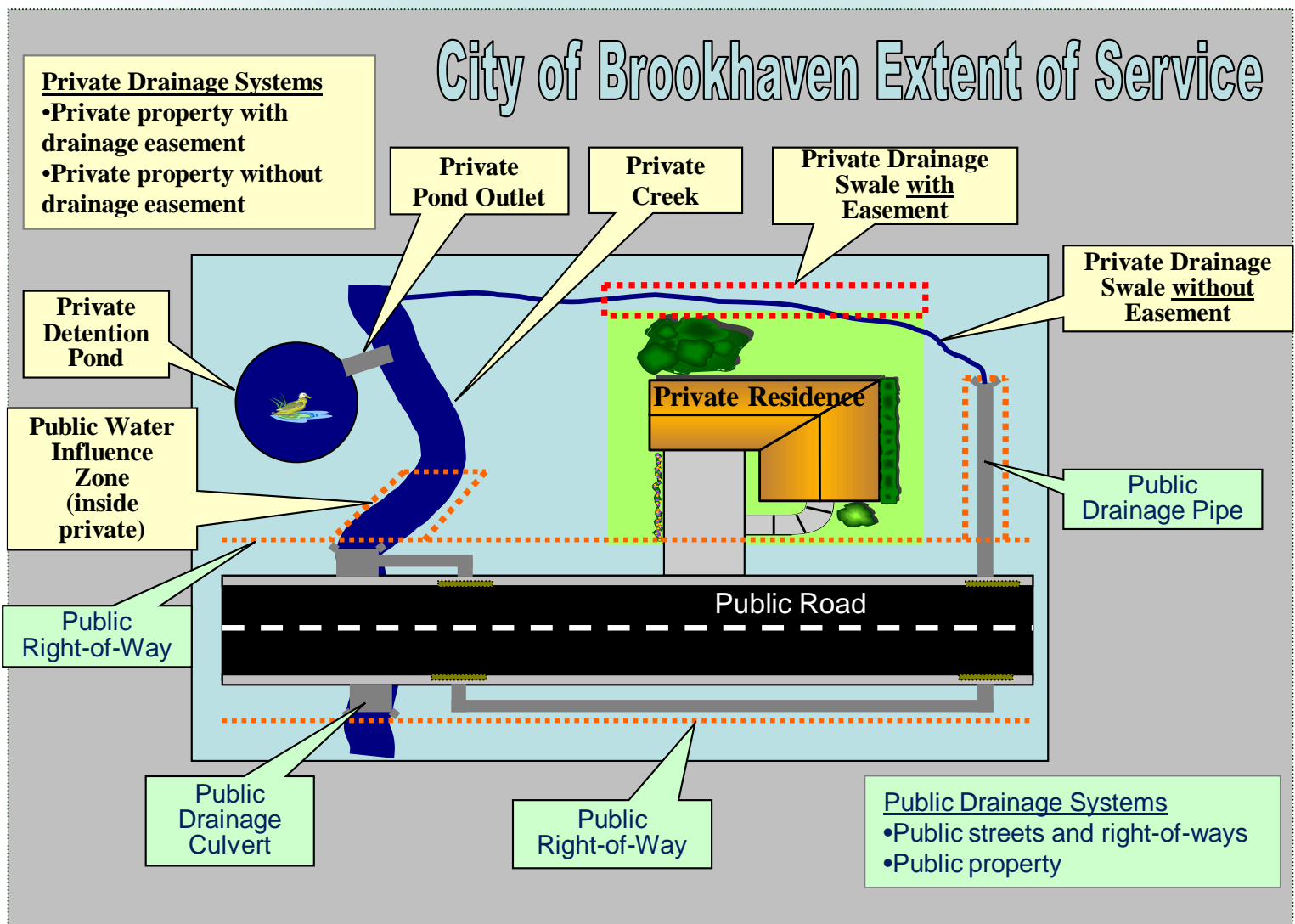
# City of Brookhaven Stormwater Extent of Service / Level of Service Policy

## Background

The storm drainage system is a network of pipes, open ditches, and other structures that collect and transport stormwater runoff to the nearest stream or lake. Certain elements of the storm drainage system are maintained by the City, and other elements are maintained by the private property owner or Homeowner's Association.

## Extent of Service

The City of Brookhaven's Extent of Service (EOS) policy refers to the components of the storm drainage system maintained by the City. The Level of Service (LOS) policy defines the maintenance activities performed by the City.



## Level of Service

In public drainage systems, the City provides inspections and prioritizes and makes repairs. In private drainage systems, the City provides regulatory enforcement and may provide emergency response in some instances. The City of Brookhaven's drainage system inspector responds to all stormwater concerns and provides a determination of whether the system is public or private.



# City of Brookhaven

## Stormwater Inspection and Maintenance Policy

### 1.0 Purpose and Authority

The goal of this Stormwater Management System Inspection and Maintenance Policy is to define the rights and responsibilities of the property owner(s) for maintaining the water quantity and quality functions of their Stormwater Best Management Practices (BMPs), as well as provide for City guidance to ensure their proper functioning. This policy is based upon the Stormwater Utility Ordinance (Article V, Chapter 25, Section 25-360 through Section 25-371).

The Metro North Georgia Water Planning District (MNGWPD) and EPD's Phase II NPDES Permit requires municipalities to have fully implemented stormwater facility maintenance programs for public and private facilities. This Stormwater Inspection and Maintenance Policy is also implemented at the direction and requirement of BMP F-2 (MS4 Operation and Maintenance Program).

### 2.0 Definitions

**Roadway.** The paved portion of a street from back-of-curb to back-of-curb (or edge-to-edge of pavement for streets not having curbs) but excluding driveway aprons, bridges, and large single and multi-cell culverts which in a hydrologic sense can be considered to function as a bridge.

**Stormwater Management System.** Any one (1) or more of the various devices used in the collection, treatment, or disposition of storm, flood or surface drainage waters, including all manmade structures or natural watercourse for the conveyance or transportation of runoff, such as: detention areas, berms, swales, improved watercourses, open channels, bridges, gulches, streams, gullies, flumes, culverts, gutters, pumping stations, pipes, ditches, siphons, catch basins and street facilities; all inlets; collection, drainage or disposal lines; intercepting sewers; disposal plants; outfall sewers; all pumping, power, and other equipment and appurtenances; all extension, improvements, remodeling, additions, and alterations thereof; and any and all rights or interests in such stormwater facilities. Stormwater facilities expressly excludes any of the foregoing which exist for, or are used exclusively for the purpose of collection, treating, measuring, supplying, or distributing potable water within or as part of the County water supply and treatment system, or any of the foregoing which exist for or are used exclusively for the purpose of collecting, treating, or measuring effluent within or as part of the County sanitary sewer system.

**Structural Stormwater Control.** A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity, quality, period of release or velocity of flow of such runoff.

### **3.0 Inspection and Maintenance Responsibilities (Figure 1)**

For all existing and new developments the following inspection and maintenance responsibilities shall apply:

#### **Private Stormwater Management Facilities**

Private stormwater management facilities shall be privately owned and it shall be the responsibility of the owner(s) to ensure proper function of the stormwater management facilities located on their property. This shall be accomplished through, periodic inspections and routine maintenance by the responsible party. The owner(s) shall maintain a perpetual, non-exclusive easement that allows access for inspection and emergency maintenance activities. Private stormwater management facilities may include ponds, creeks, pipes, ditches, and drainage swales.

#### **Public Stormwater Facilities**

The City of Brookhaven is responsible for inspecting and maintaining stormwater management facilities located on public property and within the public right-of-way (ROW). This includes stormwater structural controls on properties owned by the City of Brookhaven; pipes, ditches, and drainage swales in the public ROW; and pipes draining City streets. Pipes draining City streets are maintained to the headwall. The area just downstream of the headwall, known as the public water influence zone, may be maintained as necessary to ensure the free flow of water and prevent erosion around the headwall.

### **3.1 Structural Stormwater Controls / Detention Ponds**

The following statements identify who will be responsible for structural stormwater controls on private property. All correspondence and violations will be addressed to the responsible party.

In subdivisions with an established homeowners association (HOA) - The HOA shall be the responsible party.

In subdivisions without an established HOA - The owner(s) of the property that the facility is on or serviced by shall be the responsible party. The City will only issue maintenance requests and violations to the responsible party. This in no way shall hinder the rights of the property owner(s) to take civil action against or involve the other property owners that the facility serves.

In commercial and industrial developments - The property owner(s) shall be the responsible party.

In properties with a Stormwater Management Inspection and Maintenance Agreement - The responsible party as well as the responsibilities shall be described in the agreement.



### **3.2 Pipes**

Residential - If the pipe is connected to and directly drains a City street, it shall be maintained by the Stormwater Division of the Department of Public Works. If the pipe does not connect to a City street and is on private property it shall be maintained by the property owner(s).

Commercial - The property owner(s) shall be responsible for any pipes that are located on private property. For any pipe that crosses a property line between private and public property, the City Engineer will determine who is responsible for maintenance on a case-by-case basis.

### **3.3 Open Channels**

Residential and commercial - The property owner(s) shall be responsible for maintaining normal unobstructed flow of any open channel(s) located on private property. This may include, but not be limited to ditches, swales, and creeks.

RipRap Program - The City has established a RipRap program to assist homeowners with erosion problems along open channels on their property. The City will deliver RipRap free of charge if the property owner signs a waiver of liability. Placement of the rip rap is the responsibility of the owner(s).

### **3.4 Records of Maintenance Activities**

The responsible party shall keep documentation of all of their inspections and maintenance activities and provide this documentation to the Stormwater Division of the Department of Public Works upon request.

### **3.5 Roadways**

As noted in Section 2.0 of this Policy, roadways are exclusive of driveway aprons, bridges, and large single and multi-cell culverts. As such, maintenance and repair of driveway aprons are the responsibility of the property owner. Driveway aprons in the City of Brookhaven which were not constructed to the specifications of Dekalb County Standard Detail 709 and 710 are also the responsibility of the property owner. Property owners who have inadequate driveway aprons (not constructed per Dekalb County Standard Detail 709 and 710) are encouraged to upgrade their driveway aprons in order to avoid roadway stormwater issues. The City Engineer or designated representative will determine adherence to compliance with the driveway apron construction.

## **4.0 City Inspection Programs for Privately-Owned Facilities**

The Stormwater Division of the Department of Public Works has established an inspection and maintenance program for privately-owned structural stormwater controls. The inspection program includes routine inspections; random inspections; requested inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: visual inspections;

review of maintenance and repair records; sampling of discharges; and evaluating the condition of structural stormwater controls and practices.

- ③ The City will not involve itself in private property disputes or other legal actions between property owner(s).
- ③ The City may provide technical assistance and riprap to assist with the maintenance and stabilization of stormwater management facilities.
- ③ The City inspection program has a goal of inspecting 180 privately owned structural stormwater controls per year.

#### **4.1 Notification to Owner(s)**

In the event that the structural stormwater control is in good working order and does not need any maintenance, the City Engineer shall notify the responsible party within 10 business days of the inspection.

In the event that the stormwater management facility needs maintenance, has not been maintained, and/or becomes a danger to public safety or public health the City Engineer shall notify the responsible party by registered or certified mail within 10 business days of an inspection. The notice shall specify the measures necessary to bring the stormwater structural control into compliance.

#### **4.2 Responsible Party Response to City**

The City must receive a response within 60 days of issuing a notice of required maintenance to the responsible party. Included in the response must be the maintenance measures performed and/or a timeline for when the measures will be completed.

#### **4.3 Violations**

In the event that the responsible party does not respond to the City and/or perform the required maintenance within 60 days, a violation will be issued in accordance with Section 25-370 of the Stormwater Utility Ordinance.

#### **4.4 Emergency Maintenance / Failure to Maintain**

In accordance with Section 25-363 of the Stormwater Utility Ordinance, the Stormwater Division of the Department of Public Works may conduct emergency maintenance if the responsible party fails or refuses to maintain their stormwater management facility in proper working order. In the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient. The City may correct a violation by performing the necessary work to place the facility in proper working condition. The City may assess the responsible party for the cost of the repair work that shall be a lien on the property, and may be placed on the ad valium tax bill for such property and collected in the ordinary manner for such taxes.